

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>SPEAR, et al.</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>FENKELL, et al.</b>	:	<b>NO. 13-2391</b>

**ORDER**

The defendants, David B. Fenkell, Karen G. Fenkell, and DBF Consulting LLC (the “Fenkell Parties”), filed a motion to exclude certain exhibits. See Doc. No. 637. For the reasons described in the Memorandum filed with this Order, it is on this 23<sup>rd</sup> day of December, 2016,

**ORDERED**

1. That the Fenkell Parties’ motion to exclude deposition exhibit 578, and any testimony stated in reliance on this exhibit, is denied without prejudice to renewing an objection at the time of trial;
2. That the Fenkell Parties’ motion to exclude all evidence and testimony relating to David B. Fenkell’s June 13, 2012 Employment Agreement is denied;
3. That the Fenkell Parties’ motion to exclude all findings of fact in the *Cheesemore* Litigation is denied; and

4. That the Fenkell Parties' motion to exclude evidence relating to the voicemail message purportedly sent by Paul Sefcovic to David B. Fenkell is denied for the reasons explained in my Order resolving the Sefcovic Parties' motion to exclude. See Doc. No. 634.

**BY THE COURT:**

*s/Richard A. Lloret*  
**RICHARD A. LLORET**  
**UNITED STATES MAGISTRATE JUDGE**